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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,985	09/13/2000	Gerardo Roldan	KLUNE-54799	7953

24201 7590 01/28/2003

FULWIDER PATTON LEE & UTECHT, LLP
HOWARD HUGHES CENTER
6060 CENTER DRIVE
TENTH FLOOR
LOS ANGELES, CA 90045

EXAMINER

JONES, DAVID B

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/660,985

Applicant(s)

ROLDAN, GERARDO

Examiner

David B Jones

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-72 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-14, 16, 17, 20-23, 25-32, 34-38, 40, 41, 44-47, 49-56, 58-62, 64, 65, and 68-71 are rejected under 35 U.S.C. 102(b) as being anticipated by IT 463,541.

2. Claims 1-8, 10-14, 16-18, 20-23, 25-32, 34-38, 40-42, 44-47, 49-56, 58-62, 64-66 and 68-71 are rejected under 35 U.S.C. 102(b) as being anticipated by Pavlecka

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 15, 19, 24, 33, 39, 43, 48, 57, 63, 67, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over IT '541 or Pavlecka. The prior art to IT '541 or Pavlecka teach the claimed invention excepting obvious expedients well within the knowledge of the artisan of ordinary skill. With respect to claims 9, 33, and 57 and the claims are drawn to a plurality of dies and bladders within the same support structure. Plural die tools or gang dies are well known in the machine tool art and would have been obvious to one of ordinary skill in the art. To have provided a plurality of dies taught in the prior art to IT '541 or Pavlecka within the same platen would have been

obvious at the time of the invention to the skilled artisan so as to have provided for higher production, etc.; such a provision being an duplication of parts rendering no new or unobvious result. Regarding claims 15, 39, and 63, it is inherent that the bladders of the prior art to IT '541 or Pavlecka are made from a rubber like material. Whether one used polyurethane, which is a well know synthetic rubber, or other known elastic materials in the bladders of the prior art would have been but an obvious choice of well know rubber like expedients and well known at the time of the invention. Regarding claims 19, 43, and 67, to have made fuselage parts or other particular parts in the recited devices to IT '541 or Pavlecka, would have been but an obvious choice of known possible products which could be made by the particular apparatus and method and lend no patentability thereto. Finally regarding claims 24, 48, and 72, the fact that the tube that is connected to the bladder is flexible or not, has not been shown to be critical to the operation of the device and as such would have been an obvious choice of tube material. Assuming arguendo, to have provided the tubes leading into the bladder's of IT '541 or Pavlecka, in a flexible fashion would have been an obvious choice of design and would have provided for play in the pressure exerting system.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. JONES whose telephone number is (703) 308-1887.

Application/Control Number: 09/660,985

Page 4

Art Unit: 3725

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

In the event that the Applicant(s) wishes to communicate via Fax, the current Fax number for Group 3700 is (703) 305-3579

DBJ

A handwritten signature in black ink, appearing to read "David B. Jones". The signature is stylized with a large, looped "D" and a cursive "J".

DAVID B. JONES
PRIMARY PATENT EXAMINER
ART UNIT 3725